

**Report on Public Policy Position**

**Name of section:**

Family Law Section

**Contact person:**

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**Bill Number:**

SB 0568 (Jansen) Family law; child custody; court review of arbitrator's decision on custody; allow court to take additional evidence. Amends sec. 5080 of 1961 PA 236 (MCL 600.5080).

**Date position was adopted:**

June 6, 2009

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

18 Voted for position

1 Voted against position

0 Abstained from vote

2 Did not vote

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

SB 568 modifies MCL 600.5080 (2) and says that review of a child support, child custody or parenting time arbitrator's decision shall be made "based on the record made under section 5077(2). If the court finds that the record is insufficient to determine whether the award is adverse to the best interests of the child, the court may take additional evidence." The standard in subsection (1) of the statute says the court shall not modify the award unless it finds the arbitrator's decision is adverse to the best interest of the child. This bill will allow the Domestic Relations Arbitration Act to be effective in these types of cases. The Family Law Section supports this bill.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2009-SB-0568>

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**Bill Number:**

SB 0569 (Jansen) Family law; child custody; child custody disputes that have been arbitrated; require courts to resolve in accordance with domestic relations arbitration provisions of the RJA. Amends sec. 4 of 1970 PA 91 (MCL 722.24).

**Date position was adopted:**

June 6, 2009

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

18 Voted for position

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0 Abstained from vote

2 Did not vote

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

SB 569 amends MCL 722.24 to authorize the Circuit Court to review an arbitrator's award pursuant to the Domestic Relations Arbitration Act. The amendment says "In all actions involving dispute of a minor child's custody, the court shall declare the child's inherent rights and establish the rights and duties as to the child's custody, support, and parenting time in accordance with this act and chapter 50b of the revised judiciary act of 1961, 1961 PA 236, MCL 600.5070 to 600.5082. This bill resolves one of the issues raised by the Supreme Court in *Harvey v Harvey*, 470 Mich 186 (2004) and will allow the Domestic Relations Arbitration Act to be effective in these types of cases. The Family Law Section supports this bill.